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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,136	12/03/2001	Bruce Alexander	VIGL118276	1933
26389 7590 01/31/2008 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
			EXAMINER VO, TUNG T	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 01/31/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/007,136

**Applicant(s)**

ALEXANDER ET AL.

**Examiner**

Tung Vo

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/07/2008 has been entered.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-22, 24-39, and 41-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Olson (US 7,023,469).

Re claims 1, 20-21, 38 and 56, Olson discloses in computer system (13 and 17 of fig. 1) having graphic user interface (21 of fig. 1) including a display (21 of fig. 1) and a user interface device (18-19 of fig. 1), a method for processing image data (figs. 2-9), the method comprising:

obtaining (27 of fig. 1, Note camera (23 of fig. 1) obtains a monitoring area, region, or zone (fig. 4) for the image processing (27 of fig. 1) processes the monitored zone) at least one

processing zone (71 and 72 of figs. 5 and 6, Note processing zone (71, 72)) for processing digital data obtained from one or more digital capture devices (23 of fig. 1, Note more cameras), wherein the at least one processing zone corresponds to a specific geometry (71 and 72 of fig. 4, particular fig. 5, Hallway has a specific geometry) that is a subdivided area represented in each frame (72 of figs. 5 and 6, Note the subdivided area is in each frame);

obtaining a first frame of image data corresponding to one of the digital capture devices (fig. 2A and 2B; fig. 2C and 2D; fig. 2E and 2F; fig. 2G and 2H; see also figs. 5 and 6) that includes the at least one processing zone as a subdivided area (71 of figs. 5 and 6);

displaying a frame (131 of fig. 9) of data within display area (fig. 9) in the graphical user interface (21 of fig. 1);

obtaining a designation of at least one processing zone (87 of figs. 6 and 8; and A, 132, and 133 of fig. 9) from the user interface device (21 of fig. 1);

wherein the processing zone (87 of figs. 6 and 8; A of fig. 9) corresponds to a specific geometric shape (86 of figs. 6 and 8) within the display area (figs. 6 and 8) and includes processing rule data (fig. 8, 136 of fig. 9; Note processing rule data are events, objects regions, duration, and actions); displaying the processing zone (87 of figs. 6 and 8; A of fig. 9) within the display area of the graphical user interface (21 of fig. 1);

obtaining a second frame of image data corresponding to the digital capture device (fig. 2A and 2B; fig. 2C and 2D; fig. 2E and 2F; fig. 2G and 2H, figs. 5 and 6, Note second frame as shown in figure 6);

determining whether there is significant change in the image data between the first and second frames within the same at least one processing zone (71 of figs. 5 and 6; the image

processing section (27 of fig. 1) saves a reference image from the video camera and compares subsequent images to the reference image; col. 5, lines 32-39; the comparison figs. 5 and 6, where a person entered the hallway), wherein the determination of significant change in the image data is made by evaluating differential data corresponding to an adjustable parameter (136 of fig. 9, Note selection of events, objects, regions, duration, and actions to adjust the processing zone, A of fig. 9) in the image data that is represented within geometry of the at least one processing zone (figs. 6 and 9, Note the saved image is selected to display and zoom function is performed to recognize the person, which means adjustable parameter); and

processing an event if a significant change in the image data is determined (col. 5, lines 32-39; figs. 4-8; comparison in figures 5 and 6) between the first and second frames within the same at least one processing zone (Note comparing image of figs. 5 and 6 using processing section 27 of fig. 1, zone 71), wherein processing the event includes storing the image data in the same at least one processing zone to mass storage (col. 6, lines 28-58; comparing the image (fig. 5) with the image (fig. 6), the person (86 of fig. 6) appeared in the image (fig. 5), selected image data (person 86 of fig. 2) and then stored at full resolution on the memory (34 of fig. 1); the processing section (27 of fig. 1) saves a selected image of each detected object (person 86 of fig. 6); wherein the selected image or image portion is stored at full resolution) only if significant change in the image data is determined (person entered the hallway is significant change in comparison between two images (figs. 5 and 6)) and excluding image data in the same or different at least one processing zone from being stored (col. 6, lines 49-65; Note selected image or image portion is stored at full resolution) to the mass storage if not significant change in the image data is determined (the image processing section (27 of fig. 1) does not saves each of

numerous images of the person (86 of fig. 6) which are obtained while the person walks down the hallway (71 of fig. 6); this disclosure suggests that the processing section (27) excludes the image data at the same or different monitoring area or zone to the storage (34 of fig. 1)).

Re claims 2, 22, and 39, Olson further discloses wherein the specific geometry of the processing zones is characterized by a rectangle (A of fig. 9).

Re claims 4, 24, Olson further discloses wherein the specific geometry is graphically displayed through a user interface (18 and 19 of fig. 1, Note the computer (13 of fig. 1) has a keyboard (18) and a mouse (19) for a user to access WWW, col. 8, lines 17-29, graphically display (21 of fig. 1, figs. 5-9)).

Re claims 5, 25, and 41, Olson further discloses wherein the specific geometry includes a hyperlink (Note the MASTER.HTML file has hypertext links to each of the LOGLIST.HTML files, and the LOGLIST.HTML files are each an HTML shell which invokes an applet that facilitates access to files within the directory containing that particular LOGLIST.HTML file) to one or more monitoring devices capable of input or output to a physical location that corresponds to the processing zone (fig. 7).

Re claims 6, 26, and 42, Olson further discloses wherein evaluating the differential data includes statistically comparing a sample of pixels within the first and second frame of image data (fig. 3; Note stationary object is removed or disappeared).

Re claims 7, 27, and 43, Olson further discloses wherein evaluating the differential data includes evaluating specific color data for individual pixels (fig. 2D and 2E; Col. 3, line 64-col. 4, line5).

Re claims 8, 28, and 44, Olson further discloses wherein the adjustable parameter corresponds to a number of pixels to be compared (figs. 2E and 2E, Note each pixel is compared; see also 86, 87 of fig. 6, Note the adjustable parameter is corresponding to the selected person (86 of fig. 6)).

Re claims 9, 29, and 45, Olson further discloses wherein the adjustable parameters are entered through a graphical user interface (18 and 19 of fig. 1, Note the user can enter a specified area for processing with a adjustable parameter (136 of fig. 9), for example the user can enter duration from 5-10 and other parameter as shown in fig. 9 as well).

Re claims 10 and 46, Olson further discloses wherein the graphical user interface is a WWW browser user interface (col. 8, lines 17-28).

Re claims 11, 30, and 47, Olson further discloses wherein the adjustable parameter is dynamically modified (136 of fig. 9, Note the user change duration from 5 to 10).

Re claims 12, 31 and 48, Olson further discloses wherein multiple processing zones are obtained from one or more frames of video, wherein at least one processing zone is evaluated using a parameter different from the at least one parameter used in the previously selected processing zone within the one or more frames of video (136 of fig. 9, Note the user defines a zone different from the previous zone at user defined parameters for processing).

Re claims 13, 32 and 49, Olson further teaches wherein at least one processing zone excludes an area from evaluation (86 of fig. 8; and 132, A, and 133 of fig. 9, Note zone A can be excluded from the evaluation).

Re claims 14, 33 and 50, Olson further discloses wherein processing an event includes executing user-defined sequences if a significant change is determined (136 of fig. 9, 27 of fig. 1).

Re claims 15, 34, 51, Olson further discloses wherein processing an event includes sounding alarm (col. 1, lines 35-40).

Re claims 16, 35, and 52, Olson further discloses wherein processing an event includes archiving video data (23 and 27 of fig. 1).

Re claims 17, 36, and 53, Olson further discloses wherein archiving the video includes storing the video data in a file directory corresponding to given time period (fig. 7).

Re claims 18, 37, and 54 Olson further discloses wherein archiving the video includes naming the file directory according to a time of the day (fig. 7).

Re claims 19 and 55, Olson further discloses a computer-readable medium having computer-executable instructions for performing the method recited in claims 1 and 38 (fig. 1, Note the automatically monitoring system (10 of fig. 1) inherently has a computer-executable instructions for performing the monitoring method as illustrated in figures 5-9).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



4. Claims 2, 23, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson (US 7,023,469).

Re claim 3, 23, and 40, Olson teaches the specific geometry of the processing zone is characterized by the rectangle (132, 133, A of fig. 9) and suggests the user may define the region by using the mount pointer to identify the corners of the region (A of fig. 9) by clicking on each corner. Therefore, one skill in the art would use the suggested mouse pointer to create the specific geometry of the processing zone by clicking on each corner in a circular shape as desired. Doing would allow the user to specifically designate the created region (zone) in any shape such as square, rectangle, or circle of an event in an image and easily monitor for occurrence object of the event within the specified region (zone).

#### ***Response to Arguments***

5. Applicant's arguments filed 06/11/2007 have been fully considered but they are not persuasive.

The applicant argues that Olson does not teach a system for storing image data that appears in a processing zone to a mass storage only if a significant change is determined and excluding image data in the same or different processing zone from being stored to the mass storage if no significant change has been determined, pages 15-17 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Olson teaches the processor (27 of fig. 1) processes two images (figs. 5 and 6) for comparison, based on the comparison the processing section (27 of fig. 1) saves the selected image or image portion of the detected object, the detected object is detected base on the motion change within the images

(figs. 5 and 6), so this suggests storing image data that appears in a processing zone to a mass storage only if a significant change is determined (col. 6, lines 38-57); the processing section (27) does not save each of the numerous images of the person 86 which are obtained while the person walks down the hallway (fig.6), this suggests that the image data in the same or different processing zone (fig. 5) is excluded when there is no significant change is determined (col. 6, lines 21-23). In view of the discussion above, Olson clearly anticipates the claimed invention.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Courtney et al. (US 5,969,755) discloses motion and event detection for context indexing of video streams.

### ***Contact Information***

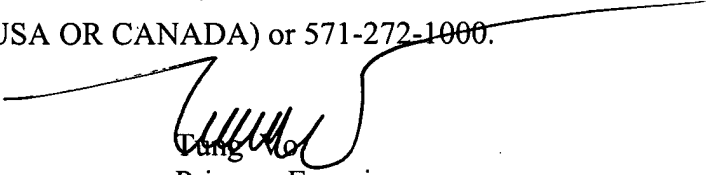
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Tong  
Primary Examiner  
Art Unit 2621